

of Equalization themselves, in lieu of an appointed Board of Equalization, and the further fact that this Act is necessary in order to enable such incorporated cities and towns to effect a speedy collection of their taxes, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be, and the same is, hereby suspended, and that this Act take effect and be in force from and after its passage; and it is so enacted.

[NOTE.—S. B. No. 560 passed the Senate, May 17, 1933, by a vote of 30 yeas, 0 nays; Senate concurred in House amendments, May 25, 1933, by a vote of 29 yeas, 0 nays; passed the House with amendments, May 25, 1933, by a vote of 108 yeas, 0 nays.]

Approved June 6, 1933.
Effective June 6, 1933.

RURAL SCHOOL AID APPROPRIATION.

H. B. No. 256.] CHAPTER 211.

An Act appropriating Three Million Dollars (\$3,000,000.00) per year, or so much thereof as may be necessary, for the next two (2) fiscal years for the purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations and limitations relative thereto, authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all rural schools which meet the requirements of this Act a term of a certain length; providing assistance for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a plan; providing for the use of an amount not to exceed a certain sum for the payment each year of the biennium of high school tuition for rural school pupils according to the provisions of Chapter 181, of the General Laws of the 40th Legislature, Regular Session, as amended by Senate Bill No. 10 passed at the First Called Session of the 41st Legislature and further amended by Senate Bill No. 41, Chapter 20, passed at the First Called Session of the 42nd Legislature; providing for the payment of transportation aid under certain conditions; providing for penalties for violation of any of the provisions of this Act; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all moneys granted under the provisions of this Act; enacting other provisions necessary and incidental to the provisions of this Act; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (Appropriation) For the purpose of promoting public school interest of rural schools and equalizing the edu-

cational opportunities afforded by the State to all children of scholastic age living in small and financially weak school districts, there is hereby appropriated out of the General Revenue, Three Million Dollars (\$3,000,000.00) or so much thereof as may be necessary for the school year ending August 31, 1934, and Three Million Dollars (\$3,000,000.00) or so much thereof as may be necessary for the school year ending August 31, 1935, to be allotted and expended in accordance with the provisions of this Act; provided, that any unexpended balance occurring at the close of the year 1934, may be transferred and added to the appropriation for the year ending August 31, 1935.

SEC. 2. (Scholastic Population of District) State aid under the provisions of this Act may be distributed in such a way as to assist all schools of not fewer than twenty (20) scholastics and not more than four hundred (400) scholastics located in districts of not more than five hundred (500) scholastics, and consolidated districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated unit, and all districts composed of entire counties having a scholastic population of less than five thousand (5,000); providing the provisions of this Section shall not apply to any school district containing forty-eight (48) square miles of territory or more, and further provided that the provisions of this Section shall not apply to any school district where sixty per cent (60%), or more, of its students are transported in public buses from the rural districts.

SEC. 3. (Distance between State Aid Schools) No aid shall be granted to any school under the provisions of this Act which is located within two and one-half ($2\frac{1}{2}$) miles of another school of the same race, unless on account of the condition of the roads and other physical features it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated district nor to any district which at some previous election has voted to remove such conditions by consolidation.

SEC. 4. (Teacher Pupil Load) State Aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district for the current year and there shall be deducted all scholastics who have completed the course of study in their home school, as authorized by the County Board of Trustees, provided that in unusual or extraordinary conditions of actual enrollment, an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

SEC. 5. (Average Daily Attendance) No school shall be

granted aid under the provisions of this Act whose average daily attendance is less than seventy per cent (70%) of the scholastic census enrollment for either white or colored school. Provided, the provisions of this Act shall not apply to any school where there is any kind of epidemic of sickness. Districts where parochial schools are maintained are exempt from the provisions of this Section.

SEC. 6. (Tax Levy) No school district shall be eligible to receive aid under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying and collecting for the current year a local school tax, exclusive of the tax for interest and sinking fund for bonds, of not less than fifty cents (50c) on the One Hundred Dollars (\$100.00) of property valuation in the entire district of not less than seventy-five cents (75c), inclusive of the tax for interest and sinking fund for bonds; and providing further, that the property valuation shall not be less than said property is valued for State and county purposes; provided that the rate of tax required to be levied in this section shall not apply to transportation aid for counties whose schools are operated under the county unit system with a single governing board. Any school district that shall reduce its existing tax rate and/or tax rates thereby enabling it to participate under this Act shall not be eligible to receive aid from any of the funds herein provided.

SEC. 7. (Taxable Wealth) No part of the aid herein provided for teachers' salaries shall be given to a school district with an assessed valuation in excess of Three Thousand Dollars (\$3,000.00) per scholastic as shown by the scholastic census, said valuation being assessed as provided heretofore; provided, that this Section does not apply to school districts that levy and assess a One Dollar (\$1.00) tax on the One Hundred Dollar (\$100.00) valuation of taxable property.

SEC. 8. (Salary Schedule) No part of the aid herein provided shall be used for increasing the monthly salary of any teacher, but the funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries to be determined by the State Superintendent of Public Instruction with the approval of the State Board of Education.

SEC. 9. (Standard Schools) All State Aid Schools of the unaffiliated class shall provide a term of approximately eight (8) months. These schools shall be so classified by the County School Board as to provide as near as possible an eight months' term out of State, county and local funds. Should there not be sufficient funds to maintain the school as herein stated, then State aid may be granted subject to other provisions of this Act, provided that road conditions would prevent the transportation to nearest accredited High School.

SEC. 10. (High School Tuition) It is hereby expressly pro-

vided that a sufficient amount of the funds appropriated by this Act shall be used for the payment of high school tuition not to exceed Seven Dollars and Fifty Cents (\$7.50) per pupil per month. High School tuition shall be paid according to the provisions of Chapter 181 of the General Laws of the 40th Legislature, Regular Session, as amended by Senate Bill No. 10 passed at the First Called Session of the 41st Legislature, and as further amended by Senate Bill No. 41, Chapter 20, passed by the First Called Session of the 42nd Legislature.

SEC. 11. (Transportation Aid) The County Superintendent and County School Board are hereby authorized to set up a system of transportation for the purpose of transporting high school pupils from their districts where their grade is not taught to the most convenient accredited high school. The expense of such transportation shall be paid out of funds hereby provided not to exceed Two Dollars (\$2.00) per pupil per month. Provided further, that in districts composing an entire county, high school transportation aid as authorized in this Section may be granted for the purpose of transporting high school pupils within such districts to the most convenient accredited high school located in the county.

It is further provided that the districts through which these buses travel may make provisions with the County Superintendent and County School Board to have any other children not provided for herein, transported within and between their respective districts, and said districts may make application for State aid thereon to an amount not to exceed One Dollar (\$1.00) per month per pupil. Provided that where regular buses do not run in sparsely settled sections of counties which are operating under a county unit system, the County School Board and County Superintendent are authorized to make provisions for the transportation of pupils other than high school pupils within said districts, and may make application for State aid thereon to an amount not to exceed One Dollar (\$1.00) per month per pupil. Provided that all School Districts containing one hundred (100) square miles of territory, or more, may receive transportation aid of Two Dollars (\$2.00) per month per pupil.

SEC. 12. (Penalty Provision) Any district violating any of the provisions of this Act or any rules or regulations adopted by the State Board of Education shall forfeit all rights to such aid and can be disqualified to receive any aid of any nature under any Section of this Act for the current year. Should any school which would otherwise be eligible to receive aid, agree, provide or contract with teachers to pay a smaller monthly salary during the remainder of the term following the granting of aid provided out of local funds than is paid out of State funds, then such school shall forfeit its right to receive aid.

SEC. 13. (Industrial Aid) State aid may be granted to any one school in the district employing three (3) or more teachers

which will provide for the proper instruction and demonstration in farm mechanics, agriculture and home economics, according to a program approved by the State Department of Education, and which shall be employing a teacher or teachers whose qualifications shall be approved by the State Superintendent of Public Instruction provided that the maximum aid to be granted for each of the above courses can not exceed One Hundred Dollars (\$100.00) per year.

SEC. 14. (Powers of State Board of Education and of State Superintendent of Public Instruction) It shall be the duty of the State Board of Education and it is hereby authorized to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint an inspector to make a thorough investigation in person of the grounds, buildings, equipment, teaching forces, and financial condition of each school, applying for aid; and no aid shall be given unless it can be shown that all provisions of this Act and regulations made by the State Board of Education have been complied with, and that such amount of aid is actually needed. Provided further that the State Superintendent of Education shall not appoint to exceed sixteen (16) inspectors and two (2) stenographers under this Act.

SEC. 15. All schools not having over four (4) teachers and not having received State aid heretofore may receive Ten Dollars (\$10.00) per teacher for library books from this fund, if the amount received is duplicated by local funds from any source. Every class room school applying for this library aid must either have a library room, a library case, or shelves with a locker. The books must be selected from the library bulletins prepared by the State Department of Education and a list of the books purchased must be filed with the County Superintendent. The money raised by the school applying for this aid must be deposited in a bank or vouched for by the County Superintendent. Schools may qualify for this aid each year during the biennium. There shall be no local tax requirement for library aid.

SEC. 16. (Application for Aid) The trustees of schools authorized in Section 2 of this Act may send to the State Superintendent, on forms provided by the State Department of Education, a list of the teachers employed in the school showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required, and the State Superintendent with the approval of the State Board of Education, may then grant to the school such an amount of this fund as will, with the State and county available funds, together with the local funds, main-

tain the school for a term not to exceed nine (9) months and approximately eight (8) months; provided, that if the school has sufficient State and county available funds to maintain the school for an eight (8) months' term according to the salary schedule adopted by the State Board of Education, or with its local maintenance tax, to maintain the desired term, not to exceed nine (9) months, as provided in Section 2, it shall not be eligible to receive State aid; provided further, that the County Superintendent shall approve all contracts with teachers, supervising officers and bus drivers in all schools before such schools may be eligible to receive State aid under any provisions of this Act.

SEC. 17. (Equalization Fund) Any county in this State that has a special equalization fund derived from State and county available funds and which contributes to the said funds for the benefit of its rural schools out of its own funds as much as Forty Thousand Dollars (\$40,000.00) per annum, shall receive from the appropriation herein provided, Fifteen Thousand Dollars (\$15,000.00) for each year of the biennium to supplement the equalization fund thereof for all purposes, without inspections being made by the State Department of Education, provided, such counties, in addition to such State aid, may be granted reimbursement for High School tuition.

SEC. 18. (Counties with less than 1400 Scholastics) It is hereby provided that schools in sparsely settled counties having less than fourteen hundred (1400) scholastic population in the common school districts, may be exempted from the minimum restriction of twenty (20) scholastics; provided, that each district applying for aid is levying and collecting the limit of local support as provided in Section 6 of this Act. Provided the State Department of Education may grant aid to schools in sparsely settled districts without regard to the number of scholastics or the duration of the term of each school.

SEC. 19. (Transfer of entire district) On the agreement of the Board of Trustees of the district concerned or on petition signed by a majority of the qualified voters of the District and subject to the approval of the County Superintendent and the State Superintendent, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient school of higher rank, and in such event all of the funds of the district, including the State aid to which the district would otherwise be entitled to under the provisions of this Act, or such proportionate part thereof as may be necessary, may be used in carrying out the said agreement.

SEC. 20. (Disbursement) Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which State aid is granted in the same manner as warrants for State apportionments are now transmitted, and it shall be the duty of all treasurers of

depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

SEC. 21. In counties which constitute a single school district and in which there is no governing body designated as the County School Board, the duties authorized by this Act to be performed by the County School Board are hereby conferred upon the existing governing bodies of such districts.

SEC. 22. (Miscellaneous Provisions) Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and county available school funds and in all other school funds in the same manner as all other school districts; and in case High School grades are maintained, the community shall still be entitled to participate in the distribution of any State aid that may be extended by the Legislature of Texas for vocational or industrial purposes to High Schools of the State; provided, however, that no school or school district shall be denied Rural State Aid for failure or refusal to buy any books, equipment, charts and/or school supplies offered by any person, firm or corporation unless the Minutes of the State Board of Education of Texas show that said books, equipment, charts, and/or supplies were approved by a majority vote of said State Board of Education.

SEC. 23. It shall be the duty of the State Board of Education and the State Superintendent of Public Instruction to pay by warrant not more than fifty per cent (50%) of the total amount allotted to any one school as an initial payment, and that the remaining payments shall be made on a percentage basis to the schools in such manner and amounts that the total expenditures for any one year shall not exceed the total appropriation for that year.

It is specifically provided herein that the State Board of Education and the State Superintendent of Public Instruction shall not pledge the State nor incur obligations against the rural aid fund in any amount or in any one year in excess of the amount herein appropriated.

The State Board of Education and the State Superintendent of Public Instruction are hereby prohibited from paying any one or more school its or their allotment in an amount greater, on a percentage basis, than is paid any other school. This provision shall apply to all allotments and claims and/or appropriations provided for in this measure.

SEC. 24. It shall be unlawful for any County School Superintendent or the superintendent of any common or independent school district, school teacher, county trustee and/or district trustee or any other person directly or indirectly to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expenses of any person or persons to maintain a lobby for any purpose. Violation of this provision shall forfeit the right or rights of

the county or any school district in the county from participating in the funds herein appropriated.

SEC. 25. (Repealing and Constitutional Clauses) All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is unconstitutional or invalid the remainder of this Act shall, nevertheless, remain in effect.

SEC. 26. (Emergency Clause) The fact that many schools in rural districts are in need of aid, and that public policy requires that proper provision be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—H. B. No. 256 passed the House, May 5, 1933, by a vote of 111 yeas, 0 nays; House refused to concur in Senate amendments and appointed Conference Committee; House adopted Conference Committee Report, May 27, 1933, by a vote of 88 yeas, 26 nays; passed the Senate, with amendments, May 9, 1933, by a vote of 29 yeas, 1 nay; Senate adopted Conference Committee Report, May 30, 1933, by a vote of 30 yeas, 0 nays.]

Approved June 6, 1933.

Effective September 1, 1933.

PROVIDING FOR ISSUANCE OF PATENTS TO CERTAIN
LANDS FORMERLY CLAIMED BY THE STATE
OF NEW MEXICO.

H. B. No. 560.]

CHAPTER 212.

An Act providing for the issuance of patents under certain conditions to lands and accretions thereto, heretofore claimed by New Mexico to be in that State, but determined by the Supreme Court of the United States in its Decree of April 9, 1928, to be within the State of Texas, and prescribing the considerations and the conditions necessary for the issuance of such patents and the manner of such issuance and the provisions to be contained in such patents; defining the word "person" as used herein, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That the Commissioner of the General Land Office is authorized and requested to prepare and issue, and the Governor is authorized to execute and deliver, patents for the